

1 20. **ISSUE: Re: MACE: ATTEMPT BY HENDERSHOTT TO CREATE A**
2 **POSITION WITHIN THE SHERIFF'S OFFICE FOR LISA AUBUCHON -**
3 **SUBJECT: HENDERSHOTT**
4 **(Munnell Memo p. 34)**
5

6 **Chief Deputy David Hendershott**
7

8 H15A. Allegedly, Chief Deputy David Hendershott attempted to create a MCSO
9 position for Deputy County Attorney Lisa Aubuchon. He accused Executive
10 Chief Loretta Barkell's administrative assistant Karen Andrews of leaking the
11 information to County officials. Andrews reported the incident to Barkell who
12 told Hendershott she was not happy with his accusations to Andrews, and told
13 Hendershott that she, Barkell, was the person who provided the information to
14 County officials.
15

16 **MUNNELL'S WRITTEN ACCOUNT**
17

18 **Attempt to create a position within the Sheriff's Office for Lisa Aubuchon**
19

20 In April of this year, Hendershott attempted to create a position within the Sheriff's Office for
21 Deputy County Attorney Lisa Aubuchon. When news of the attempt to hire Aubuchon became
22 public, Hendershott was furious and confronted Karen Andrews, the administrative assistant for
23 Executive Chief Loretta Barkell and pointedly accused her of having a leak in her boat, in essence
24 accusing her of being responsible for the release of information. Andrews was so upset about the
25 hostile encounter with Hendershott that he went home and cried about the incident to her husband.
26

27 Chief Barkell was not happy with the rude and accusatory tone Hendershott took with her assistant
28 and advised Hendershott, that in fact she (Barkell) had provided the information to County
29 officials regarding the creation of a position for Aubuchon and that Karen Andrews had nothing to
30 do with the release of information.
31

32 **WITNESSES LISTED BY MUNNELL (not broken out)**
33

34 **NARRATIVE SUMMARY**
35

36 Hendershott allegedly attempted to create a MCSO position for Deputy County Attorney
37 Lisa Aubuchon. He accused Executive Chief Barkell's administrative assistant Karen
38 Andrews of leaking the information to County officials. Andrews reported the incident to
39 Barkell who told Hendershott she was not happy with his accusations to Andrews, and
40 that she, Barkell, was the person who provided the information to County officials.
41

42 **DOCUMENTARY EVIDENCE**
43

44 **Exhibit A24. 4/28/10 - Munnell email to himself re: Aubuchon Position Attempt**
45

46 The text of this email is as follows.
47

1 Aubuchon position attempt. I spoke with Loretta April 26 in the morning said
2 that she had actually notified the county officials about the Aubuchon job while
3 working on that position, that it was not Karen Andrews that leaked that
4 information. She said that Hendershott had approached Karen and was very rude
5 to her and accused her of having a leak in her boat meaning information leak.
6 Loretta was not happy with his rude and accusatory tone with her. I spoke with
7 Karen today (April 27) she said she was so upset by the encounter that she went
8 home and cried while talking about the incident with her husband.

9
10 **WITNESS ACCOUNTS**

11
12 **Frank Munnell**

13
14 Munnell indicated that this was "foundational," and he did not consider that there was
15 any crime or policy violation. What he does understand is that Hendershott was
16 frantically trying to keep quiet the fact that he was attempting to create a position for
17 Aubuchon. Munnell understands, second hand, that Hendershott had confronted Karen
18 Andrews over this issue, and she was upset about it. Munnell's understanding of these
19 events is found on p.78 of Exhibit II 28b.

20
21 **Jim Miller**

22
23 Miller believes that he had left the Sheriff's Office by the time this occurred. He did
24 indicate that after Aubuchon had "taken over," he had a talk with Hendershott. Miller
25 told Hendershott he did not get along with Aubuchon, trust her judgment, or like the
26 direction she was taking some of the investigations. Hendershott told Miller that she
27 one of Andy Thomas' picks, so there was nothing that he could do about it.

28
29 **Loretta Barkell**

30
31 Barkell says that she was instructed by Chief Hendershott to find a vacant position at
32 MCSO and to write the requisition in such a way that Hendershott could hire Aubuchon
33 as an attorney. According to Barkell, the position as Hearing Officer, on car towing and
34 impoundment of vehicles, an administrator position, was open, and is one of the highest
35 positions at MCSO. This was a definitely a merited position, and Barkell would have
36 had to go through the entire process, tweaking the minimum qualifications, because
37 Hendershott wanted to place Aubuchon in this position. She also indicated that there
38 was a hiring freeze in this timeframe. Before they could even move forward to hire
39 anyone or advertise a position, because of the hiring freeze, they would have had to
40 receive an exception from the Office of Management and Budget (OMB). This was the
41 only position that Barkell had available for Aubuchon that would be in the salary range
42 that Hendershott expected. However, even had she been placed there, Barkell was not
43 sure how Hendershott would have used Aubuchon. This all occurred right after Andrew
44 Thomas had resigned from the position of County Attorney to run for Attorney General.

1 Also in this timeframe, Lisa Aubuchon had essentially moved into Hendershott's office.
2 She and Hendershott were frequently sequestered in his office, and other MCSO
3 personnel were not allowed to go in. One occasion when Loretta needed to speak with
4 Chief Hendershott, she walked in, and there was a projection screen that had been set
5 up to block the view of the conference table, which she believes was loaded with files.
6 There were charts "all over the place" in his office, showing timelines and other
7 information.

8
9 According to Loretta, County OMB had to grant an exception, and the paperwork had
10 been submitted by MCSO, without Aubuchon's name being indicated as a person likely
11 to get the position. The County found out that this was Hendershott's attempt to provide
12 Aubuchon with a position in the Sheriff's Office, and OMB denied the exception to fill the
13 position. Hendershott was not pleased, according to Barkell. (p. 66, Exhibit II6a) It was
14 Loretta who had told OMB of the possibility that Aubuchon might be getting this position,
15 although she did not tell them directly. What she told OMB was that she had a position
16 coming over that was "of particular interest to the Chief Deputy," and OMB knew how
17 closely Aubuchon was working with Hendershott in this timeframe. Loretta was asked
18 by Sandy Wilson if Loretta wanted to see this pushed through, and she told Wilson that
19 she did not see a need for the position, but Hendershott did. Loretta did not remember
20 whether she had discussed with Sandy Wilson the name of the person who Hendershott
21 wanted to put into the position.

22
23 When Hendershott found out that the exception was declined by OMB, according to
24 Barkell, he was livid, and went directly to Barkell's administrative supervisor, Karen
25 Andrews. Loretta was not present at the time, but Karen Andrews indicated that
26 Hendershott asked her who knew about the position on which Loretta was working for
27 Hendershott. Karen said that she did not know, and Hendershott claimed that HR had a
28 "leak in the boat." Hendershott slammed his hands down on her desk and went
29 "barreling out of the room." Barkell subsequently spoke to Hendershott, and he told her
30 that Loretta "had a leak in your ship." She told him that her staff had not leaked any
31 information, but that Loretta herself had been asked questions and she provided
32 answers, although she had not provided Aubuchon's name, only told them that it was a
33 position very important to the Chief Deputy. When asked if Hendershott confronted or
34 behaved hostilely toward Barkell, her response was as follows.

35
36 Oh, yeah. Yeah. Um, um, um, he, um, he'd get very close in your face and his
37 voice would go up a little bit and he'd take on quite a threatening tone. And he
38 was really mad when he was talking, yelling at you, he'd spit all over you. (p. 69,
39 Exhibit II6a)

40
41 This event occurred in March or April of 2010, and Loretta said that she was livid that
42 Hendershott had "scared the living potatoes out of my staff person [Karen Andrews] and
43 that she didn't deserve it." (p. 70, Exhibit II6a)

44
45 Karen Andrews

1
2 Karen Andrews did not remember the date, but it was in the time frame when Lisa
3 Aubuchon was coming to the 19th floor of the Admin Building, and working closely with
4 Chief Hendershott. Andrews knew that Aubuchon came often, and was involved in
5 preparing some sort of timeline with Hendershott. Chief Barkell told Andrews that Chief
6 Hendershott wanted to create a position at MCSO to hire Lisa Aubuchon. Andrews
7 found a position number, no. 022676, which was for an Operations Program Manager,
8 an Administrator 3 position. Barkell let Andrews know that Chief Hendershott wanted
9 this position re-written to accommodate Lisa Aubuchon and Ms. Aubuchon's legal
10 background. Subsequently, Andrews and Chief Barkell advised MCSO Personnel
11 Services that they needed to re-write the position so it would accommodate Aubuchon's
12 legal, by essentially redoing the job description and essential functions. At that time,
13 they did not know if the position would be approved by Maricopa County OMB,
14 because, as Karen put it, "things had been tightened within the county."

15
16 Prior to the time that Aubuchon was hired by MCSO, Chief Hendershott was coming out
17 of an office and stopped her in the hall. Hendershott said, "You need to see to it that
18 we get Lisa on board, it's very important," or words to that effect. Andrews told
19 Hendershott that they were working on it, and Hendershott said, "We have to make this
20 happen, we want her here." At that point in time, Lisa Aubuchon was still employed by
21 the Maricopa County Attorney's Office. This all occurred prior to the time that Aubuchon
22 was placed on leave and the subject of an administrative investigation, according to
23 Andrews.

24
25 According to Andrews, Hendershott did not give any particular explanation as to why he
26 wanted Aubuchon to become an MCSO employee and leave the County Attorney's
27 Office. As she put it, "he just let me that that was something that needed to be done. I
28 have to tell you when he gave the direction I did not ask why because if he gave
29 direction it just meant do it." (p. 14, 1147)

30
31 According to Andrews, the job description was rewritten, and then the process was put
32 on hold because Hendershott went out on medical leave, and it wasn't long after that
33 that Aubuchon was placed on administrative leave by the County Attorney's Office.
34 Andrews denied having any conversations with Lisa Aubuchon at any time, except to
35 exchange greetings on the floor.

36
37 At some point in time, Chief Hendershott approached Andrews, prior to the time that he
38 went out on medical leave. He came into Andrews' office and said, "You have a leaky
39 boat" because people at the County had found out about what he had intended for
40 Aubuchon. Andrews told Hendershott that she knew of no one who would have said
41 anything, because Andrews had said nothing about it except to Chief Barkell.
42 Hendershott told her that she "had better check on it."

43
44 Hendershott went back to his office, and Andrews called the Finance Office. She spoke
45 with Dan Campion, very discreetly, and he had no idea what Karen was talking about.

1 She asked Campion if he had any record of MCSO giving information to OMB about
2 hiring individuals because the position number information goes through OMB. He had
3 no information about this. This led her to believe that the paperwork for Aubuchon's
4 new position had not been submitted by MCSO to OMB.

5
6 Subsequently, Andrews went down to Hendershott's office, and told him that no one in
7 Finance had said anything, because they did not know anything. The only two people
8 that knew were Loretta Barkell and Andrews, and Hendershott reportedly said, "Well, it
9 got out somehow." Hendershott did indicate that OMB had known about his intentions,
10 but Karen did not know how OMB may have determined that. The only other persons
11 that Loretta and Karen had talked to were Personnel and the Personnel Services
12 section, who were re-writing the job description. She has no knowledge as to whether
13 Personnel Services had communicated with Maricopa County OMB.

14
15 Andrews indicated that when Hendershott had said that there was a "leaky boat," he put
16 his hands on her desk, leaned across, and was, as she put it, "very cross, cranky." He
17 was very irritated. (P.16, Andrews transcript) Karen indicated that she felt very
18 intimidated. When asked why, her response was as follows.

19
20 A: Well, because I knew his track record if he was crossed. Over two years
21 that we went through a lot of things in the office my health became an issue due
22 to [REDACTED] He, he had a tendency, if you crossed him you were done. (p. 17,
23 Exhibit II47)

24
25 Andrews advises that she had asked Hendershott for a transfer off the floor in July
26 2010, after Loretta Barkell had gone out on medical leave, but Don Schneidmiller had
27 sent Andrews a memo, advising that there was a moratorium on transfers. She knew,
28 having been in Business Operations, that there had been many transfers even though
29 there was a supposed moratorium.

30
31 When she read the memo, which upset her considerably, she contacted Chief
32 Schneidmiller and asked him what was going on. She asked Schneidmiller if the denial
33 of her transfer was because of Chief Hendershott, and at first he did not say anything.
34 She then said, "He's stopping my transfer," and Schneidmiller acknowledged that this
35 had occurred. The explanation was that they needed Andrews to help Chief
36 Schneidmiller while Loretta was on medical leave.

37
38 [REDACTED]
39 [REDACTED] As she put it, "You
40 could not work on the floor there without knowing that at any time he could, the Chief
41 Deputy could come down on you." (p. 19, Exhibit II47)

42
43
44 Don Schneidmiller
45

1 Schneidmiller advises that he was present in a conversation with Hendershott, and
2 Hendershott may have been talking to Loretta Barkell. He was extremely upset over the
3 fact that media had gotten wind that MCSO was considering hiring Lisa Aubuchon.
4 Otherwise, he has no information concerning this hiring effort.

5
6 According to Schneidmiller, before Aubuchon was placed on leave by the County
7 Attorney's Office, it appeared for a period of time that she "lived" in Dave Hendershott's
8 office, which had been set up like a "war room," and she was present on a daily basis.
9 Schneidmiller indicated that he and Hendershott had a "pretty ugly exchange" over
10 Aubuchon's presence. Schneidmiller described this conflict as follows.

11
12 A: He went into hiding at some point. We saw very little of him. He was in
13 there with her for a long time. Weeks and weeks. Well, one day I had a question
14 for him. And I walked in and Lyzandra Ovist was there and I said, is the boss
15 man in? She said, yeah, his door was open into his office, which usually is the
16 sign that it's okay to come in. I come walking up to that open door and I look in,
17 and I see Lisa Aubuchon in there with him and I see they've got poster boards and
18 white boards, I mean everywhere. It looked like the scene from *A Beautiful Mind*
19 out in his shed, and I stopped and I looked around and Dave hopped up, now
20 picture this, he hops up and he comes walking over to me, doesn't say a word,
21 after I just got done going, hey, boss, walks up to the door and slams it shut, right
22 on me.

23
24 Q: Without saying anything to you?

25
26 A: Not a word. Lyzandra got misty-eyed. Got emotional.

27
28 Q: Why?

29
30 A: I think she felt she was responsible for letting me in and getting him upset,
31 so I was so pissed off at him, that I stood there for a moment, tempted to jump
32 down his throat, in front of Lisa, the same way he felt like he could act like an
33 asshole to me in front of Lisa. And while I'm having this reflective moment, I
34 catch Lyzandra's upset, and I got refocused and I spent some time talking to her,
35 saying, Lyzandra, he's under a lot of stress, that's not about you in any way. He's
36 not even mad at me. I spent a couple of minutes trying to reassure her. Then I
37 walked out into the hallway and I'm still not happy with myself. I'm still thinking
38 you know what, you need to go back in there and give him an earful. So I'm
39 literally standing, not moving in the hallway, now mind you, there's cameras on
40 our floor. You can't blow your nose without somebody seeing it. I don't know if
41 he saw it or what, but while I'm in the hallway reflecting on what I'm going to do,
42 and counting to ten, he comes out. Stands right up on me, I mean like four inches
43 from me. You did not see anything in there. I don't want you discussing what
44 you saw in there with anybody. I don't need people on this floor thinking there's
45 some type of mystery going on in there. I don't need the rumors, I don't need the

1 bullshit, he tells me. I thought he was coming out to apologize. Never says, I'm
2 sorry, kiss my ass, nothing. I just, I didn't say a word to him, I just turned and
3 walked away. (pp. 52-53, Exhibit II34a).

4
5 **David Hendershott**

6
7 Hendershott indicated that MCSO did attempt to bring Lisa Aubuchon to the Maricopa
8 County Sheriff's Office, and when asked why Hendershott attempted to create a
9 position for her, he said, "The Sheriff told me to." When asked why it needed to be
10 done, Hendershott's response was "I believe that the Sheriff felt sorry for her because
11 she was becoming under attack because of this corruption investigation with the Board
12 of Supervisors." (p. 1, Exhibit II16e) Hendershott went on to describe, how, as he
13 understood it, Aubuchon had been "butting heads" with Mark Fall, an attorney with the
14 last name Mann, and Phil MacDonald.

15
16 After the Sheriff asked him to see if Hendershott could bring Aubuchon to MCSO, he
17 walked down the hall, and told Loretta Barkell that the Sheriff would like to see if there
18 was a way Aubuchon could be brought on staff at MCSO.

19
20 Later, Hendershott advises, the Sheriff came to him and was extremely upset because
21 a reporter was calling, asking why MCSO was trying to hire Aubuchon. Hendershott
22 thought the reporter was J.J. Hensley from the *Arizona Republic*.

23
24 Subsequently, Hendershott went to the office of Karen Andrews, Barkell's administrative
25 supervisor, but denies that he had accused Andrews of leaking information.
26 Subsequently, Hendershott spoke with Barkell, and she denied having leaked any
27 information, which Hendershott believed. Hendershott speculated, during the interview,
28 that Barkell told Frank Munnell or Lisa Allen, and one of them told the press. He
29 acknowledged having no evidence for this assertion, but did characterize it as a "highly
30 accurate speculation." He denied having displayed anger or emotions in his
31 conversations with Barkell or Karen Andrews.

32
33 After word about this had gotten to the press, Hendershott did some research, and
34 learned that no application had been filed yet. The comment back to the press from
35 MCSO was that there had been no personnel action taken, it was a matter that was
36 under discussion. When asked if he continued efforts to bring Lisa Aubuchon to MCSO,
37 he understood that the effort had ceased because Maricopa County would not "approve
38 the position swap." (p. 4, Exhibit II16e)